

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

June 4, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 4, 2015 at 1:35 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby; Chair (Out at @3:30 p.m.); Carol Neugent (In @1:36 p.m.) John Dailey; David Dennis; David Foster; Bill Johnson; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey; Lowell E. Richardson; and Chuck Warren. Joe Johnson; Don Klausmeyer; and John McKay Jr. were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. There were no minutes to approve.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2015-00013: Final Plat – CROSS GATE ADDITION**, located on the southwest corner of Seneca and MacArthur Road.

NOTE: This unplatted site has been approved for a zone change (PUD2015-0001) from Single-Family Residential (SF-5) and Limited Commercial (LC) to Planned Unit Development (PUD #45).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that applicant needs to extend sewer (laterals) to serve Lot 1, Block A and the lot is currently being served by water. Water is available to Lot 1, Block B.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes three openings along MacArthur Road and five openings along Seneca. Two openings along Seneca are rights-in/out only.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. A cross-lot access agreement from Lot 1, Block B to Reserve A shall be established.

- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. The recording data for the pipeline easement shall be shown on the final plat. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- K. The 20-foot drainage easement on Lot 1, Block B shall be denoted.
- L. County Surveying advises that in the legal description, the bearing of S89°05'02"E needs corrected (4th line from the bottom).
- M. County Surveying advises in the legal description, the distance of 970.25 feet needs corrected (7th line from the bottom).
- N. County Surveying advises on the south line of Reserve "A" west end, a distance needs added (22.57 feet, more or less).
- O. County Surveying advises the bearing and distance along the south line of Block A needs moved south of the line.
- P. County Surveying advises that lot dimensions need added on the south, west, north and east lines of Lot 1, Block A.
- Q. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- R. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- W. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- BB. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

DENNIS moved, **RAMSEY** seconded the motion, and it carried (11-0).

PUBLIC HEARING – VACATION ITEMS

- 3-1. VAC2015-00015: City request to vacate a portion of a platted reserve on property,**
generally located southeast of 13th Street North and 119th Street West, south of Pine Grove Street on the east side of Alderny Court.

OWNER/APPLICANT: Briarwood Estates Homeowners' Association (owner) Ragene F. Weatherson Moore (applicant)

LEGAL DESCRIPTION: Generally described as vacating the south 12 feet of Reserve A, that abuts the north property line of Lot 8, Block 1, all in the Briarwood Estates 4th Addition & vacating the platlor's text to amend the uses allowed in the reserve, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southeast of 13th Street North and 119th Street West, south of Pine Grove Street on the east side of Alderny Court (WCC #V)

REASON FOR REQUEST: Remove encroachments into reserve and revert portion of reserve to private property

CURRENT ZONING: The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicant is requesting that the south 12 feet of the SF-5 Single Family Residential (SF-5) zoned Reserve A that abuts the north property line of the of the SF-5 zoned Lot 8, Block 1, all in the Briarwood Estates 4th Addition be vacated. The platlor's text of the Briarwood Estates 4th Addition states that the described portion of Reserve A is restricted to the following uses; drainage, utilities, landscaping, private access, and recreational facilities. The platlor's text also states that Reserve A is to be maintained and owned by the Briarwood Estates Home Owners' Association (HOA). There are no utilities located in the described portion of the reserve. The HOA has provided a letter signed by representatives of the HOA and the applicant transferring the described portion of the reserve to the applicant. The vacation will remove encroachments into the platted reserve. The Briarwood Estates 4th Addition was recorded with the Register of Deeds June 6, 1984.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted reserve and to vacate the platlor's text to amend the uses allowed in the described platted reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 14, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of the platted reserve and to vacate the plattor's text to amend the uses allowed in the described platted reserve and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the plattors text, pertaining to the vacated portion of Reserve A, Briarwood Estates 4th Addition, amending it by allowing the uses permitted in the SF-5 zoning district as restricted by CUP DP-136 on Lot 8, Block 1, Briarwood Estates 4th Addition.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve A Briarwood Estates 4th Addition, to Lot 8, Block 1, Briarwood Estates 4th Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action.
- (4) Provide all needed legal descriptions, via an E-mail, on a Word document.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the plattors text, pertaining to the vacated portion of Reserve A, Briarwood Estates 4th Addition, amending it by allowing the uses permitted in the SF-5 zoning district as restricted by CUP DP-136 on Lot 8, Block 1, Briarwood Estates 4th Addition.

- (2) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve A Briarwood Estates 4th Addition, to Lot 8, Block 1, Briarwood Estates 4th Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action.
- (4) Provide all needed legal descriptions, via an E-mail, on a Word document.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

B. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (11-0).

-
- 3-2. **VAC2015-00016: City request to vacate a portion of platted street right-of-way, a platted reserve and the platlor's text,** on property generally located west of 119th Street West and south of 13th Street North, at the intersection of Harvest and Azure Lanes.

APPLICANTS/AGENT: Janet M. Ternes Revocable Trust, Bradley W. and Pamela S. Livengood, Dennis and Andrea Rottinghaus, David L. and Peggy J. Becker, Hickory Creek Homeowners Association (applicants)
Baughman Company, PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating that part of the Harvest Lane right-of-way abutting the east approximately 100 feet of Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and that part of the Azure Lane right-of-way abutting the east approximately 65 feet of Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition, vacating all of Reserve L and vacated the platlor's text to amend the uses allowed in the Reserve L, all in the Hickory Creek Estates Addition Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of 119th Street West and south of 13th Street North, at the intersection of Harvest and Azure Lanes (WCC #V)

REASON FOR REQUEST: Neither street nor entrance island have been or will be constructed

CURRENT ZONING: The subject easement and all abutting and adjacent properties are zoned SF-5 Single-Family Residential

The applicant is requesting that the Harvest Lane right-of-way abutting the east approximately 100 feet of Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and that part of the Azure Lane right-of-way abutting the east approximately 65 feet of Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. The subject residential street right-of-ways were platted to provide a through street connecting the two subdivisions, but improvements (paving) of right-of-ways stopped short at the point of connection; this lack of connection has existed for close to 19-years (see recording dates of the subject subdivisions. Azure Lane currently ends as a paved circle. Azure Lane was platted with a temporary 70-foot radius cul-de-sac and drainage easement dedicated by separate instrument. The applicants are not requesting that this temporary cul-de-sac and drainage easement be vacated, thus (unless otherwise advised by Traffic, Fire and Public Works) this dedication will be made permanent. Paved Harvest Lane dead-ends just east of the paved Harvest Lane Court. The subject street right-of-ways abut four properties and the owners of those properties have petitioned for the vacation of the subject street right-of-ways. There are water lines, water valves, water nodes and fire hydrants in the area of the proposed vacated right-of-ways. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described right of-ways and easement.

There are platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The applicants have not requested the vacation of these setbacks, which reflect the minimum street side yard setbacks for these two SF-5 Single-Family zoned lots; the street side yard setbacks can be vacated with this request.

The Hickory Creek Homeowners Association (HOA) has also petitioned for the vacation of Reserve L and to vacate the plat's text to amend the uses allowed in the Reserve L. The plat's text states that Reserve L is restricted to entry monuments, landscaping, streets and utilities and that the HOA shall own and maintain this reserve. The Hickory Creek Estates Addition was recorded with the Register of Deeds February 6, 1996. The Whistling Walk Estates 2nd Addition was recorded with the Register of Deeds November 15, 1977.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted street right-of-ways, vacate a platted reserve and vacate the plat's text to amend the uses allowed in the described platted reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 14, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portions of platted street right-of-ways, vacate a platted reserve and vacate the plattor's text to amend the uses allowed in the described platted reserve and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- 1) Vacate the described portions (as approved by Traffic, Fire and Public Works) of the Harvest Lane and Azure Lane right-of-ways. Provide any needed dedications by separate instruments for hammerheads or cul-de-sacs as required by Traffic and Fire, including making the temporary 70-foot radius cul-de-sac and drainage easement dedicated by separate instrument permanent. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds. Provide utilities with any needed project plans for the relocation of utilities for review and approval.
- 2) As needed, provide any approved street improvement project number(s) to Planning prior to VAC2015-00016 going to City Council for final action.
- 3) Provide covenants, with original signatures, binding and tying the described vacated portions of Harvest Lane to Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and the described vacated portions of Azure Lane to Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. These must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- 4) As needed dedicate easements by separate instruments to cover all public and franchised utilities. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- 5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- 6) Vacate the plattors text, pertaining to the vacated portion of Reserve L, Hickory Creek Estates Addition, amending it by allowing the uses permitted in the SF-5 zoning district.
- 7) Vacate the platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The setback will now be the Unified Zoning Code's 15-foot minimum street side yard setback for the SF-5 zoned subject lots.

- 8) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve L, Hickory Creek Estates Addition, to Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- 9) Provide all needed legal descriptions, via an E-mail, on a Word document.
- 10) All improvements shall be according to City Standards and at the applicants' expense.
- 11) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portions (as approved by Traffic, Fire and Public Works) of the Harvest Lane and Azure Lane right-of-ways. Provide any needed dedications by separate instruments for hammerheads or cul-de-sacs as required by Traffic and Fire, including making the temporary 70-foot radius cul-de-sac and drainage easement dedicated by separate instrument permanent. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds. Provide utilities with any needed project plans for the relocation of utilities for review and approval.
- (2) As needed, provide any approved street improvement project number(s) to Planning prior to VAC2015-00016 going to City Council for final action.
- (3) Provide covenants, with original signatures, binding and tying the described vacated portions of Harvest Lane to Lot 5, Block 5, and Lot 1, Block 7, all in the Hickory Creek Estates Addition and the described vacated portions of Azure Lane to Lot 2 and Lot 3, all in the Whistling Walk Estates 2nd Addition. These must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) As needed dedicate easements by separate instruments to cover all public and franchised utilities. These original dedications must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.

- (5) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (6) Vacate the plattors text, pertaining to the vacated portion of Reserve L, Hickory Creek Estates Addition, amending it by allowing the uses permitted in the SF-5 zoning district.
- (7) Vacate the platted 15-foot street side yard setbacks on the applicants' abutting Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. The setback will now be the Unified Zoning Code's 15-foot minimum street side yard setback for the SF-5 zoned subject lots.
- (8) Provide a covenant, with original signatures, binding and tying the described vacated portion of Reserve L, Hickory Creek Estates Addition, to Lot 5, Block 5, and Lot 1, Block 7, Hickory Creek Estates Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (9) Provide all needed legal descriptions, via an E-mail, on a Word document.
- (10) All improvements shall be according to City Standards and at the applicants' expense.
- (11) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

B. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (11-0).

-
- 3-3. VAC2015-00017: City request to vacate platted setback, platted utility easement and platted access control,** on property generally located on the northeast corner of 21st street North and 127th Street East.

OWNER/AGENT: Twenty-First Growth LLC, c/o Tim Buchanan (owner) MKEC, c/o Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, vacating a platted 20-foot utility easement located parallel to the west sides of Lots 3 and 4 and parallel to the south sides of Lots 4, 2, 5

and 6 and vacating the platted access control located parallel to the west sides Lots 1, 2, 3 and 4 and parallel to the south sides of Lots 4, 2, 5 and 6, all in Block 6, all in the Hawthorne Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the northeast corner of 21st street North and 127th Street East (WCC #II)

REASON FOR REQUEST: Associated with Commercial Lot Split

CURRENT ZONING: The site (CUP DP-238) and the south adjacent properties are zoned LC Limited Commercial. The abutting east and adjacent west and north properties are zoned SF-5 Single-Family Residential. An abutting east property is zoned GO General Office.

The applicant is requesting the vacation of the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, Block 6, Hawthorne Addition. The LC zoned subject lots in the Hawthorne Addition are part of the CUP DP-238 overlay. The minimum street side yard or front yard setback for a CUP is 35 feet, which is what the applicant is requesting. The vacation would also match the rest of CUP DP-238's 35-foot setbacks.

The applicant is also requesting the vacation of a platted 20-foot utility easement located parallel to the west sides of Lots 3 and 4 and parallel to the south sides of Lots 4, 2, 5 and 6, Block 6, Hawthorne Addition. The undeveloped site has no public utilities located in the platted easement, however, here appears to be franchised utilities located within the described easement. The applicant's exhibit shows a proposed replacement easement.

The applicant is also requesting the vacation of the platted access control located parallel to the west sides Lots 1, 2, 3 and 4, onto 127th Street East and parallel to the south sides of Lots 4, 2, 5 and 6, onto 21st Street North, all in Block 6, Hawthorne Addition. The vacation will shift the two existing permitted points of access located on the south side and add additional drive. The vacation will shift four existing permitted points of access along the west side. Both 127th Street East and 21st Street North are paved with curb and gutter four-lane arterial roads with center turn lanes at this location. There is a raised median at this location in 21st Street North, but none on 127th Street East. There are public water lines, water valves, hydrants, stormwater inlets and conduit and power poles and lines in the area of the access control. The Hawthorne Addition was recorded with the Register of Deeds December 12, 2002.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted setback, platted utility easement and platted access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 14, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described platted setback, platted utility easement and platted access control and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, Block 6, Hawthorne Addition. Show the new 35-foot setback on an adjusted CUP DP-238 and reference the vacation case, VAC2015-00017 on the adjusted CUP.
- (2) Per the Traffic Engineer's recommendation, line up the proposed points of access with existing drives located south across 21st Street North and west across 127th Street East. All points of access are subject to the Subdivision Regulation of having 200-foot between right-in – right-out drives and 400 foot of separation between full movement drives. The Traffic Engineer can modify these standards.
- (3) Dedicate access control by separate instrument and attach an exhibit showing the approved points of access and the revised access control, which will go with the dedication of access control for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (4) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project numbers to Planning prior to the case going to City Council for final action.
- (5) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the north 65 feet of the platted 100-foot setback located parallel to that south side of Lot 2, located between Lots 4 and 5, Block 6, Hawthorne Addition. Show the new 35-foot setback on an adjusted CUP DP-238 and reference the vacation case, VAC2015-00017 on the adjusted CUP.
- (2) Per the Traffic Engineer's recommendation line up the proposed points of access with existing drives located south across 21st Street North and west across 127th Street East. All points of access are subject to the Subdivision Regulation of having 200-foot between right-in – right-out drives and 400 foot of separation between full movement drives. The Traffic Engineer can modify these standards.
- (3) Dedicate access control by separate instrument and attach an exhibit showing the approved points of access and the revised access control, which will go with the dedication of access control for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (4) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project numbers to Planning prior to the case going to City Council for final action.
- (5) Provide to Planning any required easements dedicated by separate instrument with original signatures for public utilities for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided prior to VAC2015-17 going to City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

B. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (11-0).

PUBLIC HEARINGS

3. **Case No.: ZON201500012 and CON2015-00010** - Estate of Verna E. Cornwell, Kenneth E. Cornwell and David Cornwell co-executors (owners) and Ruggles & Bohm (Chris Bohm) (Agent) request a City zone change from SF-5 Single-family Residential to LC Limited Commercial and City request for a Conditional Use for a self-storage warehouse on LC Limited Commercial zoning on property described as:

A tract beginning 545 feet West of the Southeast corner of the Southeast Quarter; thence North 425 feet; thence West 600 feet; thence South 425 feet; thence East to the point of beginning Section 34, Township 26, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicants are requesting a zone change from SF-5 Single-Family Residential (SF-5) to Limited Commercial (LC) for 4.94 acres of a 5.5-acre unplatted parcel, located west of North Hoover Road on the north side of West 29th Street North. In 1958, Sedgwick County zoned three of the four corners (northwest, northeast, southeast) of the intersection of North Hoover Road and West 29th Street North to LC in anticipation of commercial development. The east portion of the parcel, approximately 0.45 acre currently zoned LC, was part of the 1958 LC zone change. In addition to the requested zone change to LC, the applicants have submitted a request for a conditional use to allow “warehouse/self-service storage” on the site (CON2015-10).

The applicants have submitted a site plan of the proposed building layout, internal vehicle circulation and the access onto West 29th Street North that will be reviewed and approved during platting should ZON2015-00012 and CON2015-00010 be approved. Upon approval of ZON2015-12 and the associated CON2015-10, the applicants will be required to file and perfect a plat within one year, and provide a revised site plan giving more detail including, but not limited to, stormwater drainage, landscaping, any proposed light poles and identification of customer and employee parking. The applicants have developed a more detailed site plan than was originally submitted. The new site plan will be provided at the second round of District Advisory Board (DAB) and Metropolitan Area Planning Commission (MAPC) hearings.

Property north of the site is zoned Limited Industrial (LI) and is used for wrecking and salvage. Property east of the site is zoned LC, and currently has a single family residence. The SF-20 zoned property located west of the site has a conditional use to allow sand and gravel extraction (CU-242). South of the site is West 29th Street. South of West 29th Street is the Barefoot Bay Subdivision, which is developed with single-family residences centered around a private lake.

Self-service storage warehouse facilities located in the LC zoning district are subject to the 19 development standards contained in the Wichita-Sedgwick County Unified Zoning Code (UZC) Article III, Section III-D.6.y (1)-(19). Not all of the development standards apply to this application, and the applicant may ask the City Council to waive specific supplementary use requirements. The self-service storage warehouse facilities supplementary use regulations are attached.

CASE HISTORY: At its regular meeting on April 2, 2014, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the case and heard from numerous concerned citizens. In general terms, the issues raised by the citizens were: increased traffic, child safety, stormwater drainage, incompatibility of the use that close to single-family homes, property devaluation and lack of specifics regarding the appearance of the facility. Protest petitions representing 47.98 percent of the land area located within 200 feet have been submitted. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

1. The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.
2. Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will subject to platting and be per City Code including landscaping, code compliance and any other applicable standards.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.
7. Prior to the issuance of an occupancy permit, a four to five-foot high landscaped berm is required to be installed along the site's West 29th Street North frontage. Even though the property is zoned LC, use of the property is limited to a "warehouse, self-storage," as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the uses permitted by right in the Single-Family (SF-5) zoning district.

DAB V heard the case at the April 21, 2015 meeting. Twenty to 30 neighbors attended the DAB meeting expressing concerns similar to those presented at the MAPC meeting. The DAB voted to deny the application (6-1).

At the close of the protest period, 47.98 percent of the valid protest area had submitted protest petitions. The Wichita City Council considered the case on May 5, 2015, and voted to send the case back for consideration to DAB V, DAB VI and the MAPC.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Wrecking and salvage use.
SOUTH:	SF-5	Single-family residences

EAST: LC Limited Commercial; currently developed with a single-family residence
WEST: SF-20 County single-family; has a conditional use to allow sand and gravel
extraction CU-242

PUBLIC SERVICES: The subject property has immediate access to West 29th Street North. North Hoover Road is located approximately 600 feet east of the subject site. West 29th Street North is a paved three-lane arterial street and Hoover Road is a paved two-lane arterial street. The 2030 Transportation Plan map, adopted by the Wichita City Council in March of 2000 depicts West 29th Street as a two-lane arterial. The site is currently served by a water well and municipal water is available approximately 135 feet west of the well. A city sewer connection is approximately 1,500 feet west of the site. The project would require provision of a septic system and a stormwater retention lagoon.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for “Urban Residential”; however, the abutting properties to the east and north are zoned LC and LI, respectively. The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The proposed use would be a low traffic generator at this location when compared to other uses permitted by right in the LC district. Self-service warehouses generate approximately 2.5 average daily trips per 1,000 square feet of floor area. Strip retail sales generate 43 average daily trips per 1,000 square feet of floor area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed zone change and conditional use for warehouse/self-storage be **APPROVED**, subject to Sec. III-D.6.y and the following conditions:

- 1) The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.
- 2) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will subject to platting and be per City Code including landscaping, building, fire, sanitation and zoning code compliance, including the applicable sections of Unified Zoning Code (UZC) Article III, Section III-D.6.y (1)-(19), and any other applicable standards.
- 3) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
- 4) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- 5) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

- 6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.
- 7) Prior to the issuance of an occupancy permit, a four to five-foot high landscaped berm is required to be installed along the site's West 29th Street North frontage. Even though the property is zoned LC, use of the property is limited to a "warehouse, self-storage," as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the uses permitted by right in the Single-Family (SF-5) zoning district.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land to the north is zoned LI and is a non-conforming wrecking and salvage yard. City Council has approved the final plat for the property north of the site to permit a legally conforming wrecking and salvage use. Property south of the site is zoned SF-5, and is developed with large lot single-family residences surrounding a private lake. Property east of the site is zoned LC and is developed with single family residences. West of the site, the property is zoned SF-20 and has a conditional use (CU-242) for sand and gravel extraction.
2. **The suitability of the subject property for the uses to which it has been restricted:** The east approximately 0.45 acre of the subject property is already zoned LC. The remainder of the application area is zoned SF-5. The site has been used for the placement of a recreational vehicle, which is not a legal use on the site as currently zoned. The application area abuts property to the north that is an active wrecking and salvage yard. Land to the east is zoned LC, which permits a wide range of retail commercial, office, multi-family residential and single-family residential uses by right. Land to the west is a spent sandpit. Given the wrecking and salvage use located to the north and the likelihood that at some point in time the LC zoned land located to the east will attract non-single-family development, the site's existing SF-5 zoning is unsuitable in the long run.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Warehouse/self-storage developed per the recommended development standards will have a minimum negative effect on the surrounding area. Self-service warehouses are low traffic generators (approximately 2.5 average daily trips per 1,000 square feet of floor area compared to 43 average daily trips per 1,000 square feet for retail sales). The zoning code requires an on-site resident manager, setbacks, screening as well as other development standards. The development standards will minimize known impacts to adjoining properties.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for "Urban Residential." As indicated above, the abutting properties to the east and north are zoned LC and LI, respectively. The LI site is an active wrecking and salvage yard, making it

less likely that the site will be developed with single-family residences. The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use address identified concerns.

5. **Neighborhood support or opposition:** Property owners abutting and adjacent to the application area were present at both MAPC and DAB V meetings expressing opposition to the request based upon concerns dealing with: traffic, child safety, stormwater drainage, incompatibility of the proposed use that close to single-family homes, property devaluation and lack of specifics regarding the appearance of the use. Protest petitions representing 47.98 percent of the land area located within 200 feet have been submitted.
6. **Impact on Community Facilities:** Existing road facilities are adequate. Any increased demand on community facilities can be addressed through platting.

EXCERPTED UNIFIED ZONING CODE

Art. III, Zoning District Standards

Sec. III-D.6.y, USE REGULATIONS

y. Warehouse, Self-Service Storage, in GO and LC. Self-Service Storage Warehouse facilities shall be subject to the following standards when located within the GO or LC Districts.

- (1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.
- (2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the *Transportation Plan* adopted by the Governing Bodies, and amended from time to time.
- (3) All buildings shall set back at least 35 feet from arterial Street Rights-of-Way lines. There shall be a minimum 20-foot Building Setback line from all other Streets, unless a platted Building Setback line would require a greater Setback.
- (4) Where the Lot is Contiguous to a residential zoning District, a landscaped Yard with a minimum depth of 15 feet shall be provided on the Lot Contiguous to the residential zoning District and a landscaped front Yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning District or when across the street from a residential zoning District. The landscaping shall be in addition to any architectural Screening type Fences or face of the structures that shall be designed to Screen the use from the residential neighborhood. Such Fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped Yard may be reduced in depth to not less than the minimum Side and Rear Setback required by the property development standards of the applicable zoning District of the Lot when the Contiguous residential zoning District is occupied by any legal Nonconforming office, commercial or industrial Use, or when Adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.

- (5) When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the architecture is compatible with the surrounding development, and that adequate Screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.
- (6) Any side of the Building providing doorways to storage areas shall be set back from the property line at least 40 feet when Contiguous to a residential zoning District.
- (7) Off-street Parking shall be required on the basis of one space for each 8,000 square feet of Floor Area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.
- (8) All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.
- (9) All lights shall be shielded to direct light onto the Uses established and away from Adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
- (10) All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.
- (11) No activities such as miscellaneous or garage sales shall be conducted on the premises.
- (12) The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- (13) Signs shall be limited to one per arterial Street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.
- (14) All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.
- (15) The area shall be properly policed by the owner or operator for removal of trash and debris.
- (16) The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.
- (17) A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- (18) No more than 45 percent of the Lot Area shall be covered by Buildings.

(19) No individual or business shall lease more than 3,000 square feet of storage spaces.

DALE MILLER, Planning Staff presented the Staff Report. He reported that DAB V recommended denial at the 4-21-15 meeting by a vote of 6-1, and DAB VI recommended denial at the 6-1-15 meeting by a vote of 3-2. He said an issue that keeps coming up is whether 29th Street is an arterial and he clarified, according to the specific language in the Supplemental Use Regulations and map, 29th Street is a two-lane arterial street improved with two through lanes and a center left turn lane. He added that there have been questions about drainage and said Joe Hickle from Public Works and Utilities, Stormwater was present to clear up any questions.

CHAIR GOOLSBY explained that since this case has already been heard by the Planning Commission he is looking for direction as to what the Commission would like to do in reference to public comment on the case.

DENNIS said since he was not at the hearing where the Planning Commission originally heard the case (although he has reviewed the minutes) he would like to hear what the community has to say on the item.

WARREN said he would not be interested in extending any time and that people should keep their comments within the allotted five minutes.

RAMSEY requested that no one repeat testimony that has already been heard by the Commission.

MILLER STEVENS asked staff to elaborate on the specifics that compelled the DAB decisions.

MILLER reported that the neighbors brought up the same issues that were discussed at the last Planning Commission. He said lack of specificity as to what the site will look like and how it will appear from the street was important to DAB V. He said that is one of the reasons the applicants created a PowerPoint presentation. He referred to the issues in the Revised Staff Report which were: the facility was out of character with the neighborhood; concerns about traffic, child safety; litter and debris from the site coming into the lake; fluids coming from the site polluting the lake, etc.

RICHARDSON asked who paid to pave 29th Street and what was the traffic count.

MILLER said the City paid 100% to pave 29th Street. He said 29th Street currently has 1,439 average daily trips.

DAILEY mentioned the abandoned airport on Hoover Road and asked how it was zoned.

MILLER said it is currently zoned SF-20 Single-family Residential with a conditional use.

JOE HICKLE, PUBLIC WORKS AND UTILITIES, STORMWATER said he was present to clarify some of the drainage issues. He referred to a slide presentation containing several graphics and aerials which he said will clarify drainage in the area. He referred to a graphic of the intersection of Hoover and 29th Streets. He commented that the pink lines show the City's stormwater drainage system

that drains to the west. He said the main line is on the south side of 29th Street and it flows to the west to almost the end of the sandpit where it comes to a manhole and is diverted through a hydrodynamic filter for water quality that was installed during the improvements to 29th Street and continues to flow into the lake to the south. He referred to a graphic of the various basins in the area flowing into lakes. He said the subject property in question is designed to drain into the south lake of Barefoot Bay. He said if the application is approved, the applicant will be required to have a stormwater management permit and will have to meet water quality requirements and detention requirements. He concluded by stating that he believed the applicant was planning a dry pond on the site for detention as well as a deep inlet to trap debris so they won't get into the south lake.

RAMSEY asked if the drainage basin included the salvage yard.

HICKLE said some of that is draining into the sandpit to the north and some towards Barefoot Bay.

RICHARDSON asked staff to explain a dry detention pond and its purpose.

HICKLE said a wet pond typically has water in it all the time, but a dry pond only has water in it when it rains. He said a device would release water at appropriate times in accordance with the rules and requirements to meet the detention requirements.

RICHARDSON asked what was the appropriate rate for the release of water.

HICKLE responded not faster than the natural condition.

WARREN asked if the drainage plan would change depending on the zoning.

HICKLE said the same regulations to meet water quality and detention are required regardless of the zoning classification.

JIM ALBERTSON, ARCHITECT FOR THE APPLICANT referred to a slide presentation starting with an overall view of the area. He said after listening to neighbor's concerns they did further work on screening the project from 29th Street. He commented that the applicant lives in the area and wants to do a facility that will accommodate normal storage uses, the same as everyone's garage, to include cars, boats, play toys, etc. He showed several slides of surrounding properties including metal buildings, a trailer home, farm equipment and metal building panels which was the fence of the salvage/wrecking yard. He said there are no residential homes in front of the subject property, but there was residential property across the street at the west end. He referred to a concrete plant on the other side of the lake and the sound which can be heard by the neighbors and the applicant on the north side of 29th Street. He referred to an aerial of the site with the project inserted into it. He said they will have a 30-foot deep landscape buffer along the entire frontage of 29th Street. He said previously they talked about 4-5 foot berms, but they are thinking it may be closer to 4-8 foot berms. He showed several depictions of the entrance to the site from the east and west. He said the facility will have stone pillars and walls, wrought iron fencing and it will be heavily landscaped. He said there will be a landscaped monument sign in front of the facility. He said they believe they have addressed all the issues that have been brought to their attention.

RAMSEY clarified that there would be no outside storage at the site.

ALBERTSON said absolutely not. He said any boats or watercraft will be stored inside units.

CHRIS BOHM, RUGGLES & BOHM, 924 NORTH MAIN, AGENT FOR THE APPLICANT said this site is on an arterial street, there is a salvage yard located north of the site, there is Limited Commercial zoning to the east of the site, and they know the entire neighborhood is developing over time with the advent of the new interchange at K-96 and Hoover Road one and one-half miles to the north. He said it is the Commission's and staff's duty to look at how zoning transitions and with LC to the east and a salvage yard to the north, they believe this is a beautiful transition. He said the neighbors have valid points that they have listened to and addressed and they believe made this a better project.

FOSTER asked how the applicant was going to address any pollutants that might leave the site.

BOHM referred to the dry detention pond to the east of the property. He mentioned the hydrodynamic separator that would keep litter and floatables from exiting the pipe. He said there is no specific requirement to treat for any particular substance. He said boats and jet skies are used on the lake so there is currently an issue with oil and gas from motors.

BROOKE GRIZZELL, 5937 WEST 29TH STREET NORTH referred to a PowerPoint presentation starting with her residence across the street from the application area. She said the presentation was a collaboration of concerns from all the neighbors. She said they took pictures of existing homes along 29th Street starting at the southwest corner of the intersection of Hoover Road and 29th Street. She referred to her home, several of her neighbor's homes (she mentioned how close homes in the First Addition are to 29th Street), the northwest corner of Hoover Road and 29th Street (she said although the area is zoned LC, there are three (3) single-family residences and the area has never been used in a commercial fashion), the unique sandpit lake west of the application area (she mentioned that approval of the warehouse storage would be destroying an opportunity for residential development), and the Ridgeport neighborhood. She referred to several slides of nearby storage facilities, two within a half-mile of this location. She mentioned that the monument sign referred to by the architect is not clearly communicated in any of the restrictions at this time. She pointed out that the fences at several of the other storage facilities don't shield you from the storage buildings.

GRIZZELL stated that the neighbors' main points of opposition are: 1) The property is currently zoned SF-5 and can be used that way. She said because the current owners have elected not to build a home on the site and use it for commercial to make more money off the sale of the land doesn't make it unsuitable for the way it is currently zoned. 2) She said rezoning from residential to commercial use does adversely affect surrounding property values. She said the advantage to one landowner who would benefit from this should not outweigh the harm to many existing residences. She said they have letters from two (2) realtors indicating that a self-storage facility would have a negative impact on surrounding residential properties. 3) She referred to an article from the Self-Storage Almanac that indicated that Wichita is a self-storage capital of the world with more self-storage units per square foot per person than 5 or 6 larger metro areas. She said Wichita has more than 160 self-storage units with an occupancy of 70%. She referred to a map indicating self-storage units within a five (5) miles of the site. 4) She said this will destroy a beautiful lakeside opportunity just to the west of the area. 5) She

mentioned conformance to plans and policies and said the 2030 Functional Land Use Guide identifies the area as appropriate for residential and they respectfully request that it stay that way. 6) she said there are other permitted uses under SF-5 zoning and they were asked if they would prefer apartments or duplexes there, but they would like it to stay SF-5.

FOSTER asked if Ms. Grizzell knew when the \$100,000 offer for the property was made.

GRIZZELL said there was an offer of \$120,000 over a year ago and \$100,000 within the year.

DAVE CORNWELL, APPLICANT AND PROPERTY OWNER.

CHAIR GOOLSBY explained that if Mr. Cornwell wanted to speak he would be using the time from the agent's two (2) minute rebuttal. Mr. Cornwell opted to sit down.

MIKE EMMETT, 6510 FIGI said he was present on behalf of the owner of the sandpit to the west of the property. He said they had originally designed between 8-11 custom homes on that site and additional land they acquired north of the property. He said storage units right next door is going to affect how they proceed on this issue. He said he encountered a similar situation in Utah and property values dropped 20 percent. He said the fence at the site in Utah was eight (8) foot high but you could still see what is behind the fence. He said this will negatively affect property values.

RAMSEY asked for clarification that two-thirds of the sandpit lots are bordered by a salvage yard.

EMMETT indicated that was correct.

RAMSEY said and that doesn't negatively affect the development of the sandpit.

EMMETT said it does but that is not the issue that is on the table today.

GOOLSBY clarified that they planned on going ahead with the project knowing that there was LC and a salvage yard right next door to it.

EMMETT said the salvage operation is "non-conforming" and not approved.

MILLER indicated that the conditional permit for the salvage operation had been approved by the Commission and the applicants were in the process of completing the requirements.

MARY BRAND, 2606 NORTH SHORE COURT, PRESIDENT, BAREFOOT BAY

HOMEOWNERS ASSOCIATION said she has concerns about the liability associated with the lake. She said during the summer she has the job of chasing kids out of the lake. She said it is an insurance liability for the HOA. She said if the storage facility goes through there will be multiple people visiting the facility and looking across the street at the lake thinking that they can go fish on it. She said that would not be allowed because the liability insurance won't cover anyone that is not part of Barefoot Bay. She asked that the Commission go with the neighborhood feedback. She said as President of the HOA she has to go with the majority whether she agrees or not. She said DAB V and VI both declined the request and asked why the Commission doesn't listen to them.

RAMSEY asked for clarification about people using the lake. He said he is struggling to understand that.

BRAND indicated that the more people that are aware of the lake, the more probability there is that kids will come there to fish and swim.

RICHARDSON commented that if this site was developed with single-family there would be permanent access to the lake from as many as 43 residences.

BRAND said they could visit with the neighbors and have a conversation about the lake being off limits, unlike being able to talk to any random person who visits the storage units.

DAILEY clarified that the lake is posted as private and the neighbors can call the police to take care of it.

BRAND said it is posted and she has called WPD, but it is not a high priority for the police.

SHELLY MOORE, 2764 NORTH NORTHSORE COURT she said there is plenty of other commercial property around the area that could probably be acquired. She said the direction this area is going is residential and sticking a storage unit in the middle of it doesn't fit the direction of development and growth. She said even though the corners are LC, and people have lived there for many, many years. She said when they moved in they knew what was around them, that there was SF-5 across the street and a private lake. She said both DAB's said they would not want this in their back yard. She said the detention pond also concerns her because she doesn't know of any other detention ponds in the area.

CHAIR GOOLSBY remarked that considering the renderings provided today, this would be an excellent buffer between the LI salvage yard and single-family residential.

MOORE said they are hopeful that there will be no more commercial next to them.

DAILEY remarked then the neighbors would rather see one single home on the land. He asked do they believe that someone is going to build a house that is compatible with Barefoot Bay residences next to a salvage yard?

MOORE said that would be ideal because SF-5 suits the area better. She said the storage units would not fit into the neighborhood.

MARK REHWINKEL, 2919 NORTH HOOVER said he has lived in the area for 16 years. He said the best room of his house is the back patio with a good view of the lake and mature trees and nature and they like it the way it is. He said having that disrupted with roof lines of storage units would not be a fun thing to look at. He also mentioned migratory birds in the area. He concluded by respectfully asking the Commission to decline the requested zoning change and listen to the DAB's.

DENNIS GRIZZELL, 6461 WEST 29TH STREET NORTH said he would build at the site if he had access to the lake. He said water access in Kansas adds value. He said his son and wife offered the applicant \$100,000. He mentioned that he lived across the lake and did not hear the sound of the concrete plant. He mentioned the salvage yard and other things in the area that were developed 20, 30, 40 years ago. He said this entire area is going residential and that there are some beautiful residential areas around it. He said some of the old things that might have been eyesores are going out of business or being cleaned up. He said water control and water quality is a big issue in Kansas.

DAVE CORNWELL, 1229 WEST 48TH STREET SOUTH, PART OWNER AND APPLICANT he said he was shocked about the amount of people from Barefoot Bay who showed up at the last meeting that were against all this. He said before the salvage yard expansion came up the Grizzell's approached him about buying the place. He said a price was agreed on and he took it to his siblings. He said six (6) months later when the salvage yard expansion came up he got a petition and took it to the people who live along Hoover Road and 29th Street and they didn't really care but he thought Barefoot Bay residents would be on his side against the salvage yard because it would be 1,000 feet from their front door. He said no one would sign the petition or show up to the Planning Commission hearing when the salvage yard expansion was heard. He said once the salvage yard was okayed, they turned around and offered him one-half of what they originally agreed upon for sale of the land. He said that tells him why no one showed up for the hearing on the salvage yard.

BOHM said the process works, the applicant has made concessions and they stand by what they presented at today's meeting.

DENNIS clarified several items, including the monument sign and no outside storage

BOHM explained that at the last Planning Commission meeting they offered the 30-foot landscape buffer along the north side of 29th Street. He said the Commission added the 5-6 foot berms. He said they stand by what they presented at today's meeting including the concept for the landscape plan as the minimum standard, the ground mounted monument sign, and the stone and wrought iron façade. He said if the Commission wants to incorporate those elements into a motion, they are more than happy to stand by it. He referred to the 16 items applicable to the warehouse storage. He concluded by saying they think this will be a beautiful transition between salvage and an arterial street and that they think it is a good use for the site.

RICHARDSON said he has driven the area and thought about the issue. He requested that his comments be included in the minutes to be forwarded to the City Council. He briefly summarized as follows.

Objections to the proposed use of the site seem to fall into three (3) categories

- Traffic and safety
- Drainage
- Property Values

1. Traffic

- a. The current traffic count on 29th St. is less than 1500 vehicles/day.
- b. Storage will generate less traffic than a fully developed SF-5 Project.

- i. Storage generates 2.5 trips/day for each 1000 sf. of storage.
 - ii. Assuming the maximum allowed coverage of 45%
 - iii. Equates to 242 trips/day
 - c. SF-5 Single Family Residential
 - i. 5000sf./unit = 43 units
 - ii. Generates 10 trips/day x 43 = 430 trips/day
 - d. Arterial Street funding
 - i. The paving of 29th St. was entirely paid by the city-at-large to be used as an arterial street. Therefore it does not seem reasonable that 8 property owners, who were not assessed for their share, should have any particular consideration in determining the amount of traffic on the street.
 - ii. The 8 property owners fronting on 29th have a total street frontage of 3575 ft.
 - 1. ½ the cost of a residential street is \$70.00/lin. ft.
 - 2. Benefit to owners: 3575 x \$70.00 = \$250,320.00.
 - e. Lack of limited access to 29th.
 - i. Similar exclusive developments have limited points of entry to the arterial street system and no individual driveways onto arterial streets. These developments use a frontage road system and/or minimum access points to limit exposure of residents to the arterial street system. Examples are:
 - 1. Crestview CC.
 - 2. Tall Grass CC
 - 3. Reflection Ridge.
 - ii. Perhaps the owners along the south side 29th might want to consider a frontage road using special assessments as the funding mechanism. This would provide the safety and low traffic volumes they desire.
- 2. Drainage
 - a. The required stormwater retention will result in the same amount of water release from the site as today in its undeveloped state.
- 3. Property Values
 - a. None of the homes fronting on 29th have to drive by this site to reach Ridge Rd. All driveways are west of this property.
 - b. The site adjoins the following:
 - i. A lake to which it has no access
 - ii. An arterial street
 - iii. Property zoned LC
 - iv. An active auto salvage business which was recently expanded.
 - c. It is unreasonable to believe that a project will be built on the site that will enhance the value of \$1,000,000 homes.
 - d. There are now homes, similar to those on 29th, adjacent to, and with access to Ridge Road so evidently traffic volume is not a value determinant for Barefoot Bay housing.

Summary

This project seems to be the ideal way to buffer million dollar homes from an active auto salvage business for the following reasons:

- Generates the fewest number of vehicle trips.
- Produces little if any noise.
- Releases no noxious odors.
- Required screening will make for a very low visual profile.

WARREN commented that Commissioner Richardson did a good job of summarizing the situation and expressed his views very well. He said if it wasn't for the salvage facility to the north, this issue would have a whole different complex and look to it. He said you can't expect that someone is going to want to build residential next to a salvage yard.

Several Commissioners expressed that they had ex parte communication regarding the application. (**WARREN, MILLER STEVENS, RAMSEY, B. JOHNSON, DENNIS, MITCHELL** and **GOOLSBY**).

NEUGENT said she appreciates the time and effort Commissioner Richardson put into his summary. She said she wanted to clarify that nothing said at today's meeting would make him want to change the report that he previously drafted.

RICHARDSON said no.

RAMSEY said he wanted to comment on the idea that there is so much storage available in the area. He said he and a business partner are looking at opening up a storage facility at 29th Street and Ridge Road because you can't find adequate storage for personal watercraft in the area. He said because they are living in a lake community they have boats, jet skis, etc. and storage for those items is not available. He said he can't imagine why the neighbors wouldn't want this.

DENNIS explained to the audience that he served on a DAB for over eight (8) years and the function of the DAB's is quite different than the function of the Planning Commission. He said DAB's express more feelings of community opposition, whereas the Planning Commission has to look at the Golden Rules and other items when making a decision. He said this would be a perfect buffer from nice homes to a salvage yard. He said the Commission looks at transitions from various zonings and things that can be done to mitigate different zoning. He mentioned the monument sign, landscaping, and berms. He said he understands the homeowners concerns but he feels this would be a perfect buffer so he supports having the storage facility at the site.

FOSTER asked if the architectural and landscape features presented today should be added to a motion or included in the Staff Report to give assurance that those things will occur when the site is developed.

MILLER said yes, if the motion is to approve the application that the Commission require that the site be developed in compliance with what was presented by the architect at today's meeting.

FOSTER clarified that the salvage yard to the north takes industrial zoning all the way west to the sandpit lake.

MILLER said that was correct.

FOSTER clarified that the Commission has restricted uses on this site to this particular use. He asked if the business fails, what other uses are allowed on this site?

MILLER said the applicant gave up all other uses except residential.

B. JOHNSON said he has been on the Commission over 20 years. He said he thinks the applicant has made a great effort to improve looks of the facility to improve the looks of the neighborhood.

MOTION: To approve subject to staff recommendation subject to what was presented by the architect today.

B. JOHNSON moved, **WARREN** seconded the motion, and it carried (11-0).

- 4. **Case No.: ZON2015-00019** - Venture Golf Partners II LLC / Stephen N. Sonneman request a City zone change from LI Limited Industrial to GC General Commercial to permit long term stay at an existing hotel on property described as:

Beginning at the Northeast corner of lot 6, Block 1, Hi-Tech Industrial Park Second Addition to Wichita, Sedgwick County, Kansas; thence Northeast 35.73 feet; thence South 188.99 feet to a curve; thence Westerly and Southwesterly along a curve 187.24 feet; thence West 80.94 feet; thence North 240 feet to the North line of lot 6; thence Northeast 159.27 feet to the point of beginning, EXCEPT that part deeded for street.

AND

Part of lot 6, Block 1, Hi-Tech Industrial Park Second Addition to Wichita, Sedgwick County, Kansas, beginning at the Northwest corner; thence Northeast 138.73 feet; thence South 240 feet; thence West 135.91 feet to the West line; thence North 212.20 feet to the point of beginning.

BACKGROUND: The application area is 1.6 acres of platted land zoned Limited Industrial (LI) located at 3949 North Comotara, which is located north of East Thorn Drive and west of the North Comotara Street cul-de-sac (1,000 feet north of East 37th Street North, 2,000 feet east of North Rock Road). The property is developed with two buildings which house a hotel or motel, The Inn at Willowbend. The first of the hotel/motel buildings was constructed about 1995. The LI zoning district permits a hotel or motel as a use by right. The Unified Zoning Code (UZC, Article II, Section II-B.6.g) defines a “hotel or motel” as “an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term use by transient guests, usually for less than a week” Additionally, the UZC defines “transient guest” as “a person who occupies a room for a period of less than one week at a time.” (Article II, Section II-B.13.f) The applicant has clients that rent hotel or motel rooms for considerably longer than one week. At one point the site had signage advertising the site’s facilities as an apartment. In refinancing the hotel or motel property, staff was asked if the longer than a week stays at the hotel/motel were legal as a hotel or motel use or if, by definition, the longer stays constituted an “apartment” or “group residence” use. The LI zoning district does not permit any residential uses, such as an apartment or group residence, either by right or with conditional use approval. The applicant met with staff to review the situation. It was determined that the best way to address any concerns about refinancing the hotel/motel was to rezone the property from the LI district to the General Commercial (GC) district, which permits residential uses by right.

The other alternative to address the applicant's situation was to have the applicant request a formal interpretation from the zoning administrator regarding the legality of the longer stays. Assuming the zoning administrator determined the longer term stays did not constitute a prohibited residential use, such a ruling would not preclude some other interested party from appealing the interpretation to the Board of Zoning Appeals. The potential for an appeal would have left the applicant without a failsafe resolution and could jeopardize the applicant's refinancing opportunities. Therefore, the proposed zone change has been requested to permit long term stays.

Land located to the north of the site is zoned SF-5 Single-Family Residential (SF-5) and is developed with the Willowbend Golf Course. Land to the east of the subject tract is zoned LI and contains a steel fabrication facility. Land located to the south and west of the motel or hotel is vacant and is zoned LI.

CASE HISTORY: The property is platted as part of Lot 6, Block 1, Hi-Tech Industrial Park Second Addition, recorded in 1986.

ADJACENT ZONING AND LAND USE:

North: SF-5; golf course
South: LI; vacant
East: LI; steel fabrication plant
West: LI; vacant

PUBLIC SERVICES: The site is served by public services. North Comotara Street has 68 feet of full right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the site appropriate for "employment/industry center" uses. The "employment/industry" category encompasses uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Land located to the north of the site is zoned SF-5 Single-Family Residential (SF-5) and is developed with the Willowbend Golf Course. Land to the east of the subject tract is zoned LI and contains a steel fabrication facility. Land located to the south and west of the motel or hotel is vacant and is zoned LI. The property is located on the edge of a low impact industrial area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could potentially continue to operate without the zone change; however, approval of the zone change will permit the use to be more economically successful without creating any external impacts.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change will not impact nearby properties in that the GC district permits virtually the same range of office, commercial and retail uses as the LI district does.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will help ensure the continued viability of the hotel/motel in an area of town that does not have an abundance of hotel/motel facilities. Denial would presumably represent to the applicant a loss of economic opportunity. The hotel/motel has clients that presumably want to continue to book long terms stays. Approval to the request supports the public health, safety and welfare ensuring that the public continues to have a long term stay choice at the subject site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the site appropriate for “employment/industry center” uses. The “employment/industry” category encompasses uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The existing hotel/motel use is not entirely consistent with the comprehensive plan recommendation for an employment center; however, the site employs staff, and has been a successful use at this location, and in the location’s zoning and land use context since about 1995. Approval of the zone change does not prevent the site from being an even larger employment center. The zone change facilitates the site’s ability to continue to offer long term stays as part of the hotel/motel’s business model, and to continue to be economically successful.
6. Impact of the proposed development on community facilities: None identified.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

RAMSEY moved, **B. JOHNSON** seconded the motion, and it carried (11-0).

-
5. **Case No.: ZON2015-00020** - Catholic Diocese of Wichita (owner/applicant) and Baughman Company, PA, c/o Phil Meyer (agent) request a City zone change from GC General Commercial and B Multi-family Residential to CBD Central Business District on property described as:

The west 140.00 feet of J. P. Hilton’s Reserve in J. P. Hilton’s Addition to the City of Wichita, Sedgwick County, Kansas, together with the south half of vacated alley adjoining on the north; TOGETHER with the south 53 feet of Lot 11, on Texas Avenue, now Broadway, in said J. P. Hilton’s Addition to the City of Wichita, Sedgwick County, Kansas, together with the north half of vacated alley adjoining on the south and together with the west half of vacated alley adjoining on the east; and TOGETHER with the north 55.00 feet of the east 140.00 feet of J. P. Hilton’s Reserve in said J. P. Hilton’s Addition.

BACKGROUND: The applicant is requesting a zone change from GC General Commercial and B Multi-Family Residential to CBD Central Business District. The brick and stone, one story Lord's Diner (built 2001), a brick three-story office and parking occupy the platted approximately 1.34-acre site, located on the northeast corner of Central and Broadway Avenues. The Lord's Diner provides free hot evening meals in a safe environment, 365 days a year to anyone needing this service. More than the site's current zoning the proposed CBD more effectively resolves such issues parking and setbacks that would be triggered by the proposed expansion of the diner. The CBD zoning also matches the applicant's stone, CBD zoned Cathedral of the Immaculate Conception complex located south of the site across Central Avenue. This is the first application for CBD zoning north of Central Avenue.

All properties located south of the subject site, from Central Avenue and 2nd Street to Santa Fe Avenue are zoned CBD. The south adjacent development includes the already mentioned Cathedral complex, one-story, brick banks (built 1962, 2006), the YMCA (built 2012), one-three story, brick apartments (built 1929-1930), a large vacant church and a one-story, brick thrift shop (built 1940). Properties located west of the site, across Broadway Avenue, are zoned LC Limited Commercial and GC with development including a large First Presbyterian Church, a one-story, brick thrift shop (built 1920), and a two-story, brick office (built 1979). The GC and B zoned three-four story, stone, State and National Historical registered Sedgwick County Court House (built 1888) is located another block west. The State Historical registered GC zoned two-story, wood frame Twentieth Century Club (built 1894) and its attached three-four story, brick theater (built 1931) abut the north side of the site as does a B zoned brick, one-two story apartment (built 1920) and GO General Office zoned parking. The State and National Historical registered brick, eight-nine story Commodore apartment (built 1929) is located a block northwest of the site. B and GC zoned brick, two-three story apartments, parking, and social service office (built 1912-1915) are located east of the site across a paved alley.

CASE HISTORY: The site is located in the JP Hilton Addition, which was recorded with the Register of Deeds January 1, 1870. Wichita was platted in 1870 and incorporated in 1871, with the site being platted in 1870 making it part of the beginning of Wichita. VAC2005-00037 vacated the west half of an east-west paved alley that had separated the Lord's Diner from the north Diocese property. BZA2002-00014 was an approved variance to reduce parking on the site.

ADJACENT ZONING AND LAND USE:

NORTH: GC, GO, B	Office and attached theater, parking and apartment
SOUTH: CBD	Cathedral complex, banks, retail, apartments, YMCA, vacant church
EAST: B, GC	Apartments, parking office
WEST: GC, LC, B	Church, apartment, retail, County government building

PUBLIC SERVICES: The site has access off of Central and Broadway Avenues, both four-lane arterial streets, with center turn-lanes at this location. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. GC zoning is generally compatible with the "Regional Commercial" designation of the "Wichita-Sedgwick County Comprehensive Plan." It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD district is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building.

The requested CBD is the appropriate zoning for this recently (2001) redeveloped site, which is located north, across Central Avenue, from the original CBD zoned core of Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area. Although this is the first application for CBD zoning north of Central Avenue, CBD zoning has recently been extended west, across the Arkansas River, outside the original CBD core to include several properties in Delano, along 2nd Street and Douglas Avenue; ZON2013-00038 & ZON2014-00030.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request for CBD zoning be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The GC and B zoned site is located on the north edge of the original CBD zoned downtown core of Wichita. All properties located south of the subject site, from Central Avenue and 2nd Street to Santa Fe Avenue are zoned CBD. The south adjacent development includes the already mentioned Cathedral complex, one-story, brick banks (built 1962, 2006), the YMCA (built 2012), one-three story, brick apartments (built 1929-1930), a large vacant church and a one-story, brick thrift shop (built 1940). Properties located west of the site, across Broadway are zoned LC Limited Commercial and GC with development including a large First Presbyterian Church, a one-story, brick thrift shop (built 1920), and a two-story, brick office (built 1979). The GC and B zoned three-four story, stone, State and National Historical registered Sedgwick County Court House (built 1888) is located another block west. The State Historical registered GC zoned two-story, wood frame Twentieth Century Club (built 1894) and its three-four story, brick attached theater (built 1931) abut the north side of the site as does a B zoned brick, one-two story apartment (built 1920) and GO General Office zoned parking. The State and National Historical registered brick, eight-nine story Commodore apartment (built 1929) is located a block northwest of the site. B and GC zoned brick, two-three story apartments, parking, and social service office (built 1912-1915) are located east of the site across a paved alley.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site’s GC and B zoning allows the current uses of a charity sit-down restaurant, office and parking. However the proposed expansion of the site’s facilities will bring it into conflict with the setback and parking requirements associated with its current GC and B zoning.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** With the exception of a loss of parking, the proposed CBD zoning should not have any detrimental impact on the area. CBD zoning is currently the dominate zoning to the south of the recently redeveloped site, which shares some similar patterns of uses as the original CBD core area, in regards (but not necessarily limited to) to parking and setbacks.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD district is generally compatible with the “Downtown Regional Center” designation of the “Wichita-Sedgwick County Comprehensive Plan.” It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building.

The requested CBD is the appropriate zoning for this recently (2001) redeveloped site, which is located north, across Central Avenue, from the original CBD zoned core of Wichita. The area the site is located in shares some similar patterns of uses as the original CBD core area. Although this is the first application for CBD zoning north of Central Avenue, CBD zoning has recently been extended west, across the Arkansas River, outside the original CBD core to include several properties in Delano, along 2nd Street and Douglas Avenue; ZON2013-00038 & ZON2014-00030.

- (5) **Impact of the proposed development on community facilities:** Loss of parking will have an impact on the area, other than that there will be minimal impact on community facilities.

BILL LONGNECKER, Planning Staff presented the Staff Report. He said this is one of two phases to expand the kitchen area to allow for more refrigeration and preparation area to help facilitate food for the trucks that go out to the community for outreach service. He said this will not expand the dining area. He reported that DAB VI unanimously approved the request at the June 1, 2015 meeting. He said no one was present at that meeting to speak against the proposed rezoning. He said staff has received phone calls from people who were curious or concerned about the impact of CBD zoning on adjacent properties.

PHIL MEYER, BAUGHMAN COMPANY, 315 ELLIS, AGENT FOR THE APPLICANT said the Director and Board Chair for the Lord’s Diner were present to answer any questions the Commission may have. He said this was part of a two-phase expansion which was for the food preparation area. He said the first expansion is for a food storage area. He said the second expansion was for the food preparation area which will take place north of the building; however, they do not have a site plan put together yet because they don’t know exactly how the second expansion will occur. He said there is no planned expansion of the dining facility and they don’t look to expand that service in the future. He \ said this proposed expansion is for the food truck service that they provide to several areas throughout the community. He commented that the proposed CBD zoning also solves the building setback and additional parking issues. He said this could be resolved by the Board of Zoning Appeals; however,

considering the surrounding downtown area this piece of property fits CBD zoning and that was the easiest solution. He added that the Diocese has additional parking at the southwest corner of Central and Broadway that they will allow the Lord's Dinner employees to use. He added that the food preparation is during off hours so there really is no parking issue.

TRIP SHAWVER, 634 NORTH BROADWAY said he is an attorney and his wife owns the buildings at 632 and 634 North Broadway. He said he is Roman Catholic so he was a little hesitant speaking against the Lord's Diner. But he feels a need because of this proposed expansion. He said except what has been said here today, they don't know what the proposed expansion is. He said his main concern is the problem with transients coming in and laying on the ground. He said it got so bad, First Presbyterian Church put up wrought iron fencing. He said his clients have asked him what syringes are doing out there. He said that is the sort of problem the neighbors have got.

SHAWVER said the proponents said they are not going to expand the diner and have more traffic coming in but are expanding the food storage and preparation areas. He said this is the first he has heard about it. He said that is not down in writing in anything the Commission has, just what the agent said. He said before something is considered, he feels they should provide some specifics. He said he understands from the Internet that the Lord's Diner serves 600 people a day and he can see the herd coming down and back from his front window. He said there used to be three (3) attorneys in the office, now there is just him. He said no one wants to be there and mentioned that other building owners in the area have no occupancy and can't rent office space because of the foot traffic and transients in the area and it keeps increasing. He said he understands the need to take care of the homeless but you don't need to drive out the people who have had businesses in this area. He said he has had his office since 1976 and he would just as soon not move. He said it sounds like this will increase traffic and parking. He said he is careful when walking out his back door during off hours. He said anyone that comes to prepare food needs to have a buddy walk them to their car. He requested that before the Commission votes on this issue that they get the details of the proposed two-phase expansion to see what the applicant is talking about specifically. He also mentioned that he didn't get any notice of this proposal. He concluded by saying that the area is unsafe. He said the thrift shop on the corner of Central and Broadway could be any Arby's or other food place but no one wants to build there. He said he believes we have a civil duty to feed the homeless; however, he felt that others in the City should take up the slack rather than having it all fall at Broadway and Central.

CHAIR GOOLSBY clarified that no action the Commission takes today can remove the problem the speaker addressed.

SHAWVER said he thought that was incorrect and said the Commission can deny the request. He added that the Commission doesn't even know what the request is.

GOOLSBY explained that the request was to change the zoning to CBD.

SHAWVER said denying the expansion will leave things the way they are now.

GOOLSBY said whether the Commission approves the request or leaves it alone that won't change the current situation.

SHAWVER said if the Commission approves an expansion, the current situation is going to get worse.

GOOLSBY explained that the food trucks go off site around different areas in the City.

SHAWVER said he doesn't see that on the proposal.

GOOLSBY said the agent's remarks regarding the proposal are on the official record.

SHAWVER said unfortunately he's a lawyer and anything oral leaves the door open. He said if he were sitting on a Board he would want to see the details of Phase 1 and Phase 2 in writing before he voted on it. He also mentioned notifying the rest of the people in the neighborhood.

MEYER stated that the first expansion will be to the food preparation area of the kitchen. He said currently the Lord's Diner has two (2) trucks that serve the community. He said this expansion will allow them two (2) more trucks for a total of four (4) food trucks. He said the Lord's Dinner is aware that issues occur because of the service, but they provide a very needed service to the community and that service is not going to change whether the Commission approves the zone change or not. He said the Lord's Diner is there, they are going to stay there, and they will continue to provide this much needed service to the community. He said the kitchen expansion is only what they are planning and the Board of Director's has not provided a site plan because nothing has been approved yet. He said they did not want to provide the Commission information that may change later. He said his personal opinion is that the CBD should probably go all the way from Murdock to downtown. He said if you drive through the area it makes sense for CBD up to Murdock in his opinion.

WARREN said the speaker brought up some interesting points. He said if the Lord's Diner plans on expanding services and servicing more people in need at this location then that demands further discussion. He said it sounds like the applicant doesn't want to cut off that possibility.

MEYER said he did not say that. He said their only intention is to expand the kitchen facility and preparation area. He said there will be no expansion of the dining facility; he wanted to be clear on that.

FOSTER mentioned that approving a zone change with no conditions seems a-typical. He said at the very least a site plan should be submitted before buildings permits are issued.

MEYER said they are requesting CBD zoning at today's hearing. He said he has not seen protective overlays or site plans required with a request for CBD zoning. He said that is why there are no conditions or protective overlays; that is not typical. He added that there are no setbacks or parking requirements either. He said those requirement don't exist in CBD zoning and they feel that zoning is appropriate at this location.

B. JOHNSON he said he appreciates them coming to the Commission before they have drawings because then the comment would be "Why didn't you come to us before you decided to do this." He said developing plans and drawings costs a lot of money. He also mentioned a project currently taking place in Derby where they are building a central kitchen to service all the schools in Derby and he can see why that would be very efficient.

DENNIS said his wife worked just north of this area for many years and had to go to work very early in the morning so he drove her to work and picked her up every day. He said he understands what Mr. Shawver was saying about safety in the area. He said the requested zone change to CBD is not going to impact any of those underlying problems.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **DENNIS** seconded the motion, and it carried (11-0).

GOOLSBY (Out at 3:30 P.M.)

NEUGENT In the Chair.

-
6. **Case No.: CON2015-00019** - Car Smart Used Cars LLC, Dennis Sanders (applicant) and Greg Ferris (agent) request a City Conditional Use for car sales and self storage on LC Limited Commercial zoned property on property described as:

Lot 1, Block 1, Johnsons Garden Center Ridge Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a “conditional use” to allow outdoor vehicle sales, boat and recreational vehicle storage, and “self-service storage” on Lot 1 Block 1, Johnson’s Garden Center Ridge Addition, which is currently zoned Limited Commercial (LC). The site is located approximately 700-feet north of W. Central Avenue on the east side of N. Ridge Road (802 N. Ridge Road). The subject site is developed with six structures that were used for retail, office and greenhouses during the time the property was operating as a garden/landscaping center. The applicant proposes to retain three buildings on the west end of the property and remove the greenhouses. Fifteen new self-service storage units will be built and an area designated for storage of boats and recreational vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales and indoor self-service storage may be permitted with a conditional use in the LC zoning district. Outdoor storage of boats and recreational vehicles are not allowed in LC.

The applicant’s site plan shows the existing retail structure, maintenance building and office building. The site has two existing drives onto North Ridge Road. The site plan also indicates the drive access to the self-service storage units and the parking for vehicle display, customer and employee parking.

Property north and east of the site is zoned Multi-Family Residential (MF-29) and developed with an apartment complex. Property south of the site is zoned LC and developed with a federally subsidized apartment complex. Property west of the site is zoned Two-Family Residential (TF-3) and Single-Family Residential (SF-5) and is developed with residential use. Ridge Road, a five-lane arterial separates the residential use from the project site.

There are similar uses in the area. Two small outdoor vehicle sales and vehicle repair limited establishments are located approximately one mile east of the site on the east side of I-235 at West Central and North Hoover Road. Just over a mile to the west at the northwest corner of West Central and North Tyler Road is a large lot (six acres) used car sales business adjacent to a large lot (4.67 acres) new car sales business. One-half mile south of the subject site is a warehouse/self-storage facility with boat and recreational vehicle storage on a 3.5 acre General Commercial (GC) zoned lot.

Outdoor vehicle and equipment sales and self-service warehouse uses are subject to supplementary use regulations control in UZC Article III, Section III-E.6. x and y (respectively).

CASE HISTORY: The site was platted with LC zoning as Johnson's Garden Center Ridge Addition; Wichita, Sedgwick County, Kansas on June 26, 1998. Johnson's Garden Center closed that location several years ago.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-29	Apartment Complex
SOUTH:	LC	Apartment Complex
EAST:	MF-29	Apartment Complex
WEST:	TF-3; SF-5	Duplex and Single-family Residential

PUBLIC SERVICES: The subject property has access to Ridge Road, a five-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: multi-family residential, medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a conditional use application.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, an application for a conditional use for a small site for car sales and warehouse/self-storage would be appropriate given the size of the lot. In this case the applicant proposes to retain the permitted by right limited vehicle repair business which will include paint-less dent repair, while operating a used car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

- 1) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will be per City Code including landscaping, building and fire code compliance and any other applicable standards.
- 2) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC.

- 3) In addition to uses permitted by right in the LC zoning district, the site is permitted “vehicle and equipment sales, outdoor” as long as the sale of vehicles is associated with a legal vehicle repair use and subject to Article III, Section III-D.6.x (attached). Paint-less dent repair is also permitted, no other auto-body work is allowed at this location. The sale or rental of trailers, motorcycles or scooters and vehicles or trucks larger than pickups is not permitted. The storage of boats and recreational vehicles is not permitted.
- 4) Self-service storage is permitted subject to Article II, Section III-D.6.y (attached).
- 5) The applicant shall submit a revised dimensional site plan for review for approval by the Planning Director, prior to the selling of any cars or light trucks, within six months of approval by the MAPC or the City Council. The site plan will include, but not be limited to, internal circulation that will remain open at all time and confirms the site meets the parking standards for the approved car sales lot, vehicle repair limited and warehouse/self-storage. The site will be developed according to the revised site plan.
- 6) All improvements shall be completed within one year of the approval of the conditional use by the MAPC or the City Council. No selling of cars, vehicle repair or self-storage shall be allowed until all permits have been acquired and all improvements to the site have been made.
- 7) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 8) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

The staff’s recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north and east of the site is zoned MF-29 and developed with an apartment complex. Property south of the site is zoned LC and developed with a federally subsidized apartment complex. Property west of the site is zoned TF-3 and SF-5 and is developed with residential use. Ridge Road, a five-lane arterial, separates the residential use from the project site.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its proposed use as outdoor vehicle and equipment sales, vehicle repair limited and indoor self-service storage.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales and self-service storage on a site this size when developed with the conditional use, will have a minimum negative effect on the area, with the application of access control, landscaping, screening and the other conditions on the site.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” “This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: multi-family residential, medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

EXCERPTED UNIFIED ZONING CODE

Art. III, Zoning District Standards

Sec. III-D.6.x and y, USE REGULATIONS

x. Vehicle and Equipment Sales, Outdoor, in LC. Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the LC District.

- (1) Location shall be Contiguous to a major Street as designated in the *Transportation Plan* adopted by the Governing Bodies, and as amended from time to time.
- (2) Visual Screening of areas Adjacent to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall Screening be less than that required by Sec. IVB.1-3.
- (3) All Parking, Outdoor Storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries
Abutting streets, except at driveway entrances or where Fences are erected, to ensure that parked Vehicles do not encroach onto public Street Right-of-Way.
- (4) The lighting shall be in compliance with the lighting requirements of Sec.IV-B.4. No string-type or search lighting shall be permitted.
- (5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
- (6) No repair work shall be conducted except in an enclosed Building, and further provided that no body or fender work is done.
- (7) Only those Signs permitted in the LC District shall be permitted on this Site, except that no portable, flashing, moving or off-site Signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.

(8) There shall be no use of elevated platforms for the display of Vehicles.

y. Warehouse, Self-Service Storage, in GO and LC. Self-Service Storage Warehouse facilities shall be subject to the following standards when located within the GO or LC Districts.

(1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.

(2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the *Transportation Plan* adopted by the Governing Bodies, and amended from time to time.

(3) All buildings shall set back at least 35 feet from arterial Street Rights-of-Way lines. There shall be a minimum 20-foot Building Setback line from all other Streets, unless a platted Building Setback line would require a greater Setback.

(4) Where the Lot is Contiguous to a residential zoning District, a landscaped Yard with a minimum depth of 15 feet shall be provided on the Lot Contiguous to the residential zoning District and a landscaped front Yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning District or when across the street from a residential zoning District. The landscaping shall be in addition to any architectural Screening type Fences or face of the structures that shall be designed to Screen the use from the residential neighborhood. Such Fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped Yard may be reduced in depth to not less than the minimum Side and Rear Setback required by the property development standards of the applicable zoning District of the Lot when the Contiguous residential zoning District is occupied by any legal Nonconforming office, commercial or industrial Use, or when Adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.

(5) When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the architecture is compatible with the surrounding development, and that adequate Screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.

(6) Any side of the Building providing doorways to storage areas shall be set back from the property line at least 40 feet when Contiguous to a residential zoning District.

(7) Off-street Parking shall be required on the basis of one space for each 8,000 square feet of Floor Area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

- (8) All driveways, Parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.
- (9) All lights shall be shielded to direct light onto the Uses established and away from Adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
- (10) All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.
- (11) No activities such as miscellaneous or garage sales shall be conducted on the premises.
- (12) The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
- (13) Signs shall be limited to one per arterial Street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.
- (14) All areas not paved in accordance with the requirements of this section shall be landscaped with deciduous and coniferous plant materials. The Landscaping plan shall be approved by the Planning Department. Maintenance of the Landscaping shall be sufficient to maintain it in good condition.
- (15) The area shall be properly policed by the owner or operator for removal of trash and debris.
- (16) The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of Vehicles is part of such business.
- (17) A resident manager shall be required on the Site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- (18) No more than 45 percent of the Lot Area shall be covered by Buildings.
- (19) No individual or business shall lease more than 3,000 square feet of storage spaces.

KATHY MORGAN, Planning Staff presented the Staff Report. She indicated there would be no outdoor storage. She referred to the site plan provided with the agenda packet which indicated outdoor boat and recreational vehicle storage and said that was no longer a part of the application. She said any boat or other storage would be inside the building.

RICHARDSON referred to the site plan provided with the packet. He said he had concerns regarding how many cars would be available for sale on the lot and asked if there was some way to limit that.

MORGAN said the site plan reflects a maximum of ten (10) vehicles for sale.

RICHARDSON said he assumed the vaulted fabric greenhouse was not going to stay and asked if that area would be vehicle sales.

MORGAN indicated the vehicle sales would be along the front edge. She said the application states that no more than ten (10) vehicles will be available for sale at any one time.

RICHARDSON clarified that the site plan had governance. He said he agreed with the storage and ancillary sales; however, he didn't want this to become a giant car lot.

MORGAN indicated that the applicant would need to adhere to the site plan.

GREG FERRIS, FERRIS CONSULTING, AGENT FOR THE APPLICANT said the applicant submitted a site plan reflecting only ten (10) cars for sale at one time. He said they had no problem if the Commission wanted to include that in the conditions of approval.

MOTION: To approve subject to staff recommendation and the stipulation of only ten (10) cars for sale at one time per the site plan.

DENNIS moved, **WARREN** seconded the motion, and it carried (9-0).

NON-PUBLIC HEARING ITEMS

MILLER indicated that a number of City appointments were getting ready to expire June 30. He requested that Commissioners talk to their appointing Council Members.

The Metropolitan Area Planning Commission adjourned at 3:40 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, W. David Barber, Interim Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2015.

W. David Barber, Interim Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)